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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,446	07/03/2003	Shiva Prakash	061450/0304606 (FID-101-D	6564
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PILLSBURY WINTHROP LLP			RAEVIS, ROBERT R	
2550 Hanover	Street			
Palo Alto, CA 94304-1115			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILLING DATE OF THIS COMMUNICATION. Eatherions or liter may be available under the provisions of 37 CFR 1.136(a). In or event, however, may a reply be limely filed Eatherions or liter may be available under the provisions of 37 CFR 1.136(a). In or event, however, may a reply be limely filed If the period for reply specified above is faces than thirty (20) days, a reply within the statutory minimum of thirty (20) days with the considered timely. If the period for reply specified above is faces than thirty (20) days, a reply within the statutory minimum of thirty (20) days with the considered timely. If the period for reply specified above is faces than thirty (20) days, a reply within the statutory minimum of thirty (20) days with the considered timely. If the period for reply specified above is faces than thirty (20) days a replectation to become ABANDONED (35 U.S. 2 13). Paying his created by the Office add show is the second than the second and the second				()	λ			
Examiner Robert R. Roevis 255	Office Action Summary		Application No.	Applicant(s)				
Robert R. Raevis			10/613,446	PRAKASH, SHIVA				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 37 CFR 1.13(a). In an event, however, may a reply be timely filled she fill K) MONTH(S from the mailing date of this communication of 37 CFR 1.13(a). In an event, however, may a reply be timely filled she fill K) MONTH(S from the mailing date of this communication in the provision of 18 CFR 1.13(a). In an event, however, may a reply be timely filled she fill K) MONTH(S from the mailing date of this communication in the provision of 18 CFR 1.13(b). MONTH(S from the mailing date of this communication in the provision of 18 CFR 1.13(b). The provision is the state of the state of the communication in the mailing date of this communication. Failure to reply whith the set or extended period for reply will, by a value, cause the application to become ABANDONED (35 U.S.C, § 133). Any reply received by the Office bether than these months all of the mailing date of this communication, even if timely filed, may reduce any search placed to tem adjustment. See 37 CFR 1.79(b). Status 1) □ Responsive to communication(s) filled on 31 January 2005. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.23 is/are pending in the application. 4a) Of the above claim(s) □ is/are allowed. 5b) □ Claim(s) 1.7.19 and 20 is/are rejected. 7c) □ Claim(s) 1.7.19 and 20 is/are rejected. 7c) □ Claim(s) 1.7.19 and 20 is/are rejected. 7d) □ Claim(s) 2.6.8.18, 21.23 is/are objected to by the Examiner. Application Papers 9 □ The specification is objected to by the Examiner. 10) □ The drawings filled on □ is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 20, None of □ None			Examiner	Art Unit				
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date	Attachmer	it(s)						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:	3) 🔲 Infor	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) 🔲 Notice of Informal F					

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,7,19,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroda et al in view of McLean, II et al in view of Daniels et al.

Kuroda et al teach a method to test, including: providing a contact material 101 on a substrate; providing a probe 104 having a radius of curvature; applying a controlled "contact force" (col. 4, line 64) to the contact material 101 to measure surface profile.

Kuroda employs circuitry 101,111,106 to provide for a measure of deflection.

Kuroda does not refer to use of a second film on the probe, and does not reefer to a chuck.

As to claim 1, it would have been obvious to employ a second film on the probe because McLean, II et al teach (col. 4, lines 5-10) use of a film on a probe to increase the useful life of an AFM tip. It would have been obvious to employ a chuck to hold the material under test because Daniels et al teach (col. 5, lines 55-65) use of a chuck 4 to securely support a sample under test.

As to claim 7, note McLean's 10 micron teaching (col. 2, line 15).

As to clam 19, note Kuroda's 30 micron teaching (col. 4, line 9).

As to claim 20, it is known to apply a small force to the sample of interest to assure contact, but now damage the probe.

Art Unit: 2856

Regarding Applicant's REMARKS, consider the following:

Kuroda measures a characteristic (cantilever 103 deflection with optics; See Figure 1) related to the first film (Kuroda film 101) and the second film (McLean's film on Kuroda's probe) contacting using a circuit (elements 108, 107, 110, 111, 106) to perform at least one measurement after the first film and the second film contact each other at "a contact force reduced to a level at which no cutting takes place" (col. 4, lines 64-65, of Kuroda). The fact is that the deflection is a characteristic related to the films contacting as they are pressed at the reduced contact force. The term "related" (line 3 from bottom of claim 1) would appear to be much broader than recognized by Applicant. Note than claims 2, 8 recite that the "characterisic" is related to an intrinsic trait between the two contacting films (i.e. a trait belonging solely to the two contacting films), while claim 1 calls for measuring any characteristic related to the two films contacting.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2856

Claims 2-6,8-18,21-23 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 7am to 4pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RAEVI)